

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN WORTHINGTON,
Plaintiff,

vs.

WASHINGTON STATE ATTORNEY
GENERAL et al,
Defendants.

No.C10-00118 JLR

DECLARATION OF
JOHN WORTHINGTON

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I, John C. Worthington, declare under penalty of perjury under the laws of the state of Washington that the following is true and correct. I am over the age of eighteen years, a citizen of the United States, having Personal knowledge of the facts stated herein, and competent to testify to these facts. I make this declaration based on personal experience, legal fact finding ,public disclosure research and internet research of Washington State agency publications.

1 1. In May of 2007, I found Freedom of Information Act information
2 regarding a federal medical marijuana court case titled Conant v McCaffrey/
3 Conant v Walters which showed that the federal government decided to use
4 conditioned federal funds and cross designated state law enforcement personnel to
5 bypass the affirmative defenses in state medical marijuana laws, and seize medical
6 marijuana on behalf of the DEA . In 2007, I also researched articles of the meeting above.
7 On September 22, 2006 I researched a Seattle Pi newspaper article Written by Paul Shukovsky
8 detailing how budget cuts have forced the U.S Attorneys office in Seattle to decline 80 percent
9 of the drug smuggling cases out of Canada. (Exhibit 1)
10

11 2. In late 2008, I found the interlocal agreements for TNET and WEST
12 NET, showing that all the participating members of TNET were cross designated
13 with federal authority to confiscate drugs on behalf of the DEA.(Exhibit 2)
14

15 3. In late 2008, I was sent public disclosure information from the WSP
16 showing an agreement to allow the WSP supervisors assigned to TNET to be
17 under the control of the DEA. In 2009 and in 2010, I was sent similar agreements
18 for other TNET participating agencies and other similar agreements for other
19 Washington State multi jurisdictional drug task forces. In 2008-2010, I researched the CTED,
20 Department of Commerce website, and found that the Washington State Patrol was supposedly
21 supervising Washington State Drug Task forces, and I researched the State laws regarding the
22 coordination of Multi jurisdictional drug task forces and a legislative mandate that created RCW
23 43.43.655 (Exhibit 3)
24

25 4. In 2008, I received an email to a response to a public disclosure request to
26

1 the WSP from public records officer Gretchen Dolan which stated that Fred
2 Bjornberg was working under contract with the Department of Justice. (Exhibit 4)

3
4 5. In 2008, I also was able to obtain public disclosure documents from
5 several state, and county sources, showing a statement of assurances signed by
6 law enforcement agencies agreeing to uphold all federal laws and statutes, and
7 executive orders as a condition on receiving federal funds.(Exhibit 5)

8
9 6. In 2006, I studied the CTED website and read where federal funding for the
10 Washington State multi jurisdictional drug task force program had been reduced to the point of
11 having to shut down the program. The State of Washington had to restore lost federal funding
12 just to keep the Washington State Multi jurisdictional drug task forces operating and converted
13 the federally funded federal drug control policy to state funded federal control policy (Exhibit 6)

14 7. In late 2008, I received a public disclosure request from Pierce County
15 showing the TNET arrest report for my arrest on January 12, 2007. The report
16 showed that the Department of Defense was involved with a police investigation of
17 me and Mr. Sarich. The report also writes that medical marijuana is illegally
18 federally and will be confiscated by TNET regardless of plant limit thresholds.

19
20 In 2008 I received a public disclosure request from Tim Lowenberg of
21 the Washington State Military Department claiming that Military Department
22 Counter drug personnel and assets were used in a search warrant obtained by
23 civilian law enforcement. In May, and June of 2009, I was sent public disclosure
24 documents showing that the two civilian law enforcement groups involved with
25 the raid on my residence did not have any warrants requesting State or U.S.
26

1 Military assistance. (Exhibit 7)

2 8. In 2008, I was sent an email by Jill Busnell claiming that Washington State
3 National Guard Counter Drug Task force (CDTF) is a federal program of federal
4 employees. In 2006-2010 I studied the Posse Comitatus Act. (Exhibit 8)
5

6 9. Between 2006-2010 I studied the use of forward looking infra red (FLIR) on
7 residential housing The Washington State Supreme Court ruling in State v. Young,
8 867 P.2d 593 (Wash. 1994) and Kyllo v. United States, 533 U.S. 27 (2001) requires
9 a warrant to establish probable cause to use flir. I also started making public disclosure
10 requests for the warrants to use FLIR, and obtained 16 of these requests to use FLIR from
11 various law enforcement agencies around Washington State. (Exhibit 9)
12

13 10. Between 2006 and 2008, I received 16 warrants to use FLIR on residential housing,
14 and numerous requests to use flir in annual sweeps by the Washington State National Guard and
15 the Washington State Patrol.(Exhibit 10)
16

17 11. In 2008-2009, I researched Hervey v. Estes, 65 F.3d 784, 792 (9th Cir. 1995) which
18 ruled on the legal status of TNET. During this time period I also researched RCW 43.43.655, and
19 RCW 39.34.030 regarding Washington State multi jurisdictional drug task forces. (Exhibit 11)
20

21 DATED at Renton Washington this 25th day of February, 2010
22

23 By: s/ John Worthington
24

25 JOHN WORTHINGTON Pro Se
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